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Loveland, Colorado 80537-0599

16PH

1634

PATENT APPLICATION

ATTORNEY DOCKET NO. 10981620-3

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE
FEB 0 6 2003

Inventor(s): DELENSTARR

Serial No.: 09/398,399

Filing Date: 09-17-1999

Examiner: B. SISSON

Group Art Unit: 1634

Title: Arrays comprising background features that provide for a measure of non-specific binding and methods for using the same

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

(X) Response/Amendment   ( ) Petition to extend time to respond

( ) New fee as calculated below   ( ) Supplemental Declaration

( ) No additional fee   (Address envelope to "Box Non-Fee Amendments")

(X) Other: Return receipt postcard _____ (fee $ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	31	MINUS	39	= 0	X $18	$ 0
INDEP. CLAIMS	11	MINUS	11	= 0	X $84	$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ $280	$ 0

EXTENSION FEE	1ST MONTH $110.00	2ND MONTH $410.00	3RD MONTH $930.00 [X]	4TH MONTH $1450.00	$ 930
				OTHER FEES	$
			TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		$ 930

Charge $ 930 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.
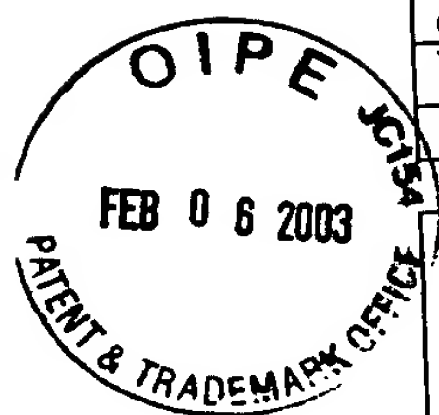
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: **01-29-03**

Typed Name: Donna Macedo

Signature: _____

Respectfully submitted,

DELENSTARR

By _____

Bret Field for Gordon Stewart

Attorney/Agent for Applicant(s)
Reg. No. 37,620

Date: **01-29-03**

Telephone No.: **(650) 485-2386**

Rev 12/02 (TransAmd)

- Attach as First Page to Transmitted Papers -

02/06/2003 ZJUHAR1 00000052 501078 09398399
01 FC:1253 930.00 CH

Amendment	Application Number	09/398,399
	Attorney Docket Number	10981620-3
	Filing Date	September 17, 1999
	First Named Inventor	Delenstarr
Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Examiner	Sisson, B.
	Group Art	1634
	Title	Arrays Comprising Background Features that Provide for a Measure of Non-Specific Binding and Methods for Using the Same

Sir:

In view of the amendments to the claims and the remarks put forth below, reconsideration and allowance are respectfully requested.

AMENDMENTS

In the claims:

50.   (Amended)   A hybridization assay comprising:

(a)   contacting a sample of target nucleic acids under hybridization conditions where a target nucleic acid of 14 nucleotides in length must have no less than 70% sequence identity with a probe in order to hybridize to said probe with a collection of substrate bound probe nucleic acid features that includes at least one background nucleic acid feature that is an empirically observed inactive probe that does not hybridize to a fully complementary fluorescently labeled target nucleic acid as determined in an assay wherein said probe is provided in an array that is contacted with said fluorescently labeled fully complementary target under said hybridization conditions;

(b)   separating unbound target nucleic acids/label from said collection of probe nucleic acid features; and

(c)   detecting the presence of target nucleic acids hybridized to said collection of probe nucleic acid features;

wherein said method is further characterized by including a target nucleic acid labeling step prior to said detecting step(c).